

*Convicts.*

Orders requiring the submission in type or print of all the important papers connected with petitions addressed to His Excellency the Viceroy for mercy in murder cases.

No. 8721.

POLITICAL DEPARTMENT.

Bombay Castle, 5th December 1907.

Letter from the Deputy Secretary to the Government of India in the Foreign Department, No. 4337-I.A., dated the 6th November 1907 :—

"I am directed to request that, in future, when forwarding petitions for mercy in murder cases to His Excellency the Viceroy, the prisoners' appeal, the judgment of the Courts before whom the trial or appeal is heard, and all the more important papers connected with the case may, with the permission of the Governor in Council, be transmitted in type or print."

ORDER.—Ordered that a copy of the above letter be forwarded to all the Officers concerned, with a request that all the important papers connected with the petitions referred to may be submitted to Government in type or print, unless to do so will cause delay.

J. E. B. HOTSON,

Acting Under Secretary to Government.

To

The Commissioner in Sind,  
The Commissioner, N. D.,  
The Commissioner, C. D.,  
The Commissioner, S. D.,  
All Political Officers,  
The Inspector-General of Prisons, Bombay Presidency,  
The Superintendent, Rajkot Prison,  
The Superintendent, Ahmedabad Central Prison,  
The Superintendent, Yeravda Central Prison,  
The Superintendent, Thana Special Prison,  
The Superintendent, Dhárwar District Prison,  
The Superintendent, District Prison, Bijapur,  
The Judicial Department of the Secretariat.

Pol 1252

No. 555 of 1907  
23<sup>rd</sup> December 1907

Forwarded to the Viceroy for information  
and guidance.

Recd  
27-12-07  
2118 Indro 703

as agents.

orders regarding the place and mode of  
infliction of the punishment of whipping  
~~in 1907~~

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No 1453, dated the 23<sup>rd</sup> September 1907.

From— G. B. H. Fell esq., Deputy Secretary  
to the Government of India, Home de-  
partment (Judicial);

To— The Chief Secretary to Government,  
Judicial department, Bombay.

In the Home department letter No 846,  
dated the 8<sup>th</sup> June 1905, the opinion of  
the Govt of Bombay was invited on the  
subject of the infliction of flogging  
as a judicial punishment by the  
Criminal Courts. In addition to  
more important questions regarding  
the general scope of the Whipping Act  
and the advisability or otherwise of  
restricting or modifying its scope,  
the inquiry was directed to certain  
details regarding the place and  
mode of infliction of the punishment.

I am now directed to communicate

The decisions which have been arrived at regarding the points, and to request that, with the permission of the Governor in Council, instructions to the following effect may be communicated to all Magistrates:—

- (1) All judicial floggings shall in future be inflicted in private, either at a jail or in an enclosure near the Court-house.
- (2) When-ever it is possible to do so, Magistrates shall ~~secure~~ secure the presence of a Medical Officer at the flogging.
- (3) The practice shall invariably be adopted of spreading <sup>a thin cloth</sup> soaked in some antiseptic over the prisoner's buttocks during the operation.
- (4) The cane employed shall never exceed the legal minimum  $\frac{1}{2}$  inch in diameter in the case of persons over 16 years of age [section 392 (i) of the Criminal Procedure Code]; and in the case of.

-juvenile offenders a still lighter  
case shall be employed.

2) I am also to say that the Govern-  
ment of India regard it as desirable  
that in the case of juvenile offenders  
the number of stripes inflicted shall  
not exceed 15, although the legal  
maximum is 30.

3) The question of amending the law  
relating to the infliction of judicial  
floggings is still under the consider-  
ation of the Government of India.

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No 5805

Judicial Department.

Bombay Castle, 19<sup>th</sup> October 1907.

Order - Ordered that copies of the  
<sup>letter</sup>  
from the Government of India be  
forwarded to the officers concerned  
for information & guidance.

J. E. B. Holson,

Acting under Secretary to Govt

No 8041

Political Department.

Bombay Castle, 12<sup>th</sup> November 1907.

order - ordered that copies of the fore-  
-going papers be forwarded to all  
Political officers for information,  
in continuation of Government -  
Resolution No. 7217, dated the 22nd  
October 1906.

J. E. B. Holtson,

Acting Under Secretary to Govt.

No 7788 of 1907

22-11-07

Copy forwarded with compliments to  
The Assistant Political Agent Savanur  
for information & communication to  
The Diwan of Savanur.

sd. H. B. Jambhekar

Head clerk.

No 516 of 1907

27th November 1907

Forwarded to the Diwan for information & return

sd. L. Graham

A. P. Agent

No 488 of 1907

6th December 1907

etc

Returned with compliments  
The G. R. may be allowed to be filed  
in this office

Diwan Savanur.

Below Mr. Bhimacharya Raichar ~~Report~~  
of 9<sup>th</sup> 1908 submitting his bill for  
having acted as a public prosecutor  
in criminal case no 1 of 1907 in the  
court of the Asst Sessions Judge of  
~~expst at~~ Savanur<sup>State</sup>. His former bill  
amounts to Rs 250/- & the latter to Rs 241-14-0

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No 20 of 1908

Returned with compliments

2) The UP is unable to support the  
claim made as it is far in excess  
of the fees paid in the past to  
Public Prosecutors

2) The UP fails to see why the rates  
charged should differ for different  
dates so materially

Siddapur  
10-1-08

Rajaram Vithal  
Deputy District Magistrate

No 15 of 1908

Returned with compliments through the ~~Deputy~~  
The public prosecutor is requested  
to prepare a fresh bill showing the  
actual expenses of travelling —

separate from the fees for appearing  
Court. The time spent on travelling  
should also be shown.

14/1/08

L. Graham  
A.P.A.

No 99 of 1908

Forwarded with compliments to the A.P. Agent.

2) The Public prosecutor was absent in  
Bombay for some time. He has now returned  
and submitted a fresh Bill for Rs 241-14-0

3) He has charged Rs 15 as his fees per day  
for his appearances in Court & for the  
days actually spent in travelling.

The rate of fees is uniform & is reasonable  
He has also charged actual expenses  
incurred

4) Fees were paid at Rs 15 per day by  
the Political Agent & Sessions Judge  
to public prosecutors in the past for  
conducting cases in his court.

5) It is for the A.P. Agent, the U.S. wd  
humbly submit, to decide whether  
the case was important & complicated

& whether a higher rate of fees could be claimed  
6) The whole of the money implied in the bill and in the bill (Rs 350)  
has been submitted at once to the  
savarur 7) of binan savarur

filed as the payment  
is made and the original  
correspondence is filed  
in the file of the  
file 30/1/08  
binan savarur



C. New

*Interpretation of Rules 20 and 21 of the Rules made by the Governor-General in Council under Section 59 of the Prisons Act, 1894, to regulate the shortening of sentences by the grant of remissions.*

No. 305, dated the 22nd December 1908.

From—The Deputy Secretary to the Government of India, Home Department (Jails);

To—The Secretary to the Government of the United Provinces, Judicial (Criminal) Department.

I am directed to reply to your letter No. 3024, dated the 28th September 1908, making certain inquiries regarding the revised Remission Rules appended to the Home Department Resolution No. 161—172, dated the 25th June 1908.

2. The intention of Rules 20, 21 and the note to the former is that each case of a class (1) life-convict shall be referred for the special orders of the local Government as to whether release shall be granted and, if so, as to the conditions under which he shall pass the period of sentence remitted; and that class (2) convicts and term-convicts of class (1) shall be released without the special orders of the local Government in each case, but subject to such general orders as to release and such general conditions as to police surveillance during the period of sentence remitted as the local Government may prescribe.

3. As section 401 of the Code of Criminal Procedure gives discretion to local Governments to release prisoners conditionally or absolutely, the inclusion of provisions to the above effect in rules under the Prisons Act would in effect be to restrict a discretion conferred by one statute by rules made under another. The provisions were therefore added as a "note" only to the Rules.

4. The procedure which the Government of India desire to be followed has been made clear in the amended note\* appended to this letter, and I am to request that it may be substituted for note to Rule 20 of the Rules accompanying the Home Department Resolution dated the 25th June 1908.

5. As remarked in paragraph 2 of your letter under reply, the note which now purports to refer to Rule 3 of the Remission Rules should refer to Rule 4 (1), and I am to request that the necessary alteration may be made.

Endorsement by the Deputy Secretary to the Government of India, Home Department (Jails), No. 307, dated the 22nd December 1908.

Copy, with a copy of the letter\* to which it is a reply, forwarded to local Governments and Administrations and to the Foreign Department for information and guidance, with reference to the Home Department Resolution No. 161—172, dated the 25th June 1908.

No. 591.

JUDICIAL DEPARTMENT.

Bombay Castle, 29th January 1909.

**RESOLUTION.**—Copies of these papers should be forwarded to the Inspector-General of Prisons, for information and guidance, and to the other officers concerned, with reference to Government Resolution No. 4414, dated the 24th August 1908.

2. General orders as to the release of class (2) convicts and term-convicts of class (1), referred to in paragraph 2 of the Government of India's letter, will be issued separately.

(Signed) J. E. B. HOTSON,

Under Secretary to Government.

To

The Prothonotary and Registrar, High Court, Original Jurisdiction, Bombay, } By letters.  
The Registrar, High Court, Appellate Side, Bombay, }

\* Printed as an accompaniment to this Resolution.

[P. T. O.]

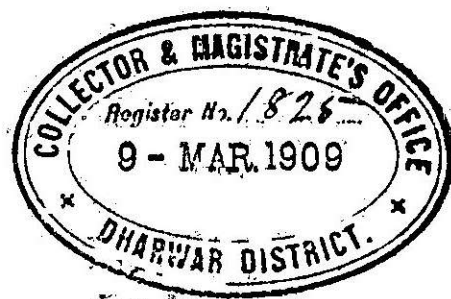


The Commissioner in Sind,  
 The Commissioner, N. D.,  
 The Commissioner, C. D.,  
 The Commissioner, S. D.,  
 All Sessions Judges,  
 All District Magistrates,  
 The Remembrancer of Legal Affairs,  
 The Political Resident, Aden,  
 The Inspector-General of Prisons,  
 The Surgeon General with the Government of Bombay,  
 The Inspector-General of Police,  
 The Commissioner of Police, Bombay,  
 The Deputy Inspector-General of Police for Railways and Criminal  
 Investigation,  
 The Deputy Inspector-General of Police for Sind,  
 The Deputy Inspector-General of Police, Northern Range,  
 The Deputy Inspector-General of Police, Southern Range,  
 The Chief Presidency Magistrate, Bombay,  
 All District Superintendents of Police,  
 The Political Department,  
 The General Department.

No. \_\_\_\_\_ of 1909.

Copy forwarded for information and guidance to

No. 1516.



POLITICAL DEPARTMENT.

Bombay Castle, 27th February 1909.

ORDER.—Ordered that a copy of the above Resolution be forwarded to all Political Officers, with reference to Government Order No. 7144, dated the 7th November 1908.

J. E. B. HOTSON,  
Under Secretary to Government.

To

The Commissioner in Sind,  
 The Commissioner, N. D.,  
 The Commissioner, C. D.,  
 The Commissioner, S. D.,  
 All Political Officers (except the Political Resident, Aden, and the Political  
 Agent, Sukkur),  
 The Judicial Department of the Secretariat.

Pol 254.

*No 1779. 16/3/09*

*Forwarded to the Dwan of  
Savanur.*

*C. Hudson*

*Through*

*Political Agent*

*The Assistant Political Agent  
Savanur*

*fail*